

**Cumberland Township Board of Supervisors
May 23, 2013 Workshop Minutes**

Chairperson Underwood called the workshop to order at 8:30 a.m. Present were Supervisors Ferranto, Waybright and Toddes; Township Manager Ben Thomas, Jr., Solicitor Sam Wiser, Police Chief Don Boehs, Assistant Secretary Carol Merryman and Engineer Tim Knoebel. Others present were: Dale Molina, Carolyn Greaney, Elizabeth Magner, Speros Marinos, Marty Miller, Gary Brown, Ken Kuntz, Jim Paddock, Joyce Ann Deal and Bob Sharrah. Mr. Shealer and Mr. Naugle were absent. The workshop was recorded.

Engineer:

Mr. Knoebel stated that he does not think that he needs to give much background information on the Keller Land Development Plan and he referenced a memo from his office dated May 22, 2013. He stated that there are seven remaining comments on his review letter that includes the request to waive the Preliminary Plan requirement, administrative items, outside agency approvals, amount for the bonding and execution of a Stormwater Management Operations and Maintenance Agreement. Mr. Knoebel added that the Planning Commission has recommended approval based on these seven comments being addressed.

Mr. Knoebel also reported that the Harrisburg Area Community College (HACC) Parking Lot Expansion Plan has been revised and there were modifications made to the plan that he needs more time to review and the plan will not be ready to be placed on the Supervisors' meeting agenda this month. He added that they did submit a time extension request and that will be on the meeting agenda.

Mr. Knoebel also reported that the Township holds \$25,000.00 financial security for the Patriot's Choice subdivision and there are several punch list items that may be completed and if so, a total release may be considered at the regular meeting. He pointed out a copy of a letter from the Homeowner's Association indicating that they will accept the maintenance of all stormwater facilities except those owned and operated by the Township.

Mr. Knoebel also presented updated bonding amounts for Cannon Ridge, Phase III. He added that Solicitor Wiser needs the amounts for the Developer's Agreement and the developer will be presenting an updated plan in the future.

Mr. Knoebel reported that he has received a request from Jack Powell, P.E., on behalf of James Paddock, for a proposed modification to the joint use driveways from his 2005 subdivision plan located on Fairfield Road and Blackhorse Tavern Roads. The request is for four lots to use the joint use driveway and this requires a waiver to the Subdivision and Land Development Ordinance (SALDO) because the number of lots on a joint use driveway is limited to three. He added that more than three lots require the construction of a private road and a private road is only used when there is no other means of access and each of these lots have road frontage and could have their own driveway. Mr. Knoebel recommended that the waiver be granted and also reported that they have met with PennDOT and they are willing to issue their permit for the four lots instead of three. Mr. Knoebel did have some conditions that he thought should be part of the approval and they are listed on his memo dated May 28, 2013.

Lastly, Mr. Knoebel reported that he also included a letter regarding Comfort Suites Bond Release Request and he is waiting on two items to be addressed and they may be accomplished by Tuesday for the regular meeting. The first item is for the Conservation District to be satisfied with the site and the second is the required maintenance of the porous paving. He asked that this be a tentative item for the meeting agenda.

Public comment:

Mr. Marty Miller, representing himself and various property owners along Fairfield Road, requested that a zoning map change process that was started back in 2008 be reactivated. He added that the properties along Fairfield Road from Woodcrest Drive to the Tom's store are identified in the Comprehensive Plan as

Residential Office (RO), but there is no RO zoning designation and the request is for the properties to be changed from Residential (R) to Mixed Use (MX). Mr. Miller explained a safety problem that he currently has at his driveway for his business and his desire to place a road behind the business that would come out on Woodcrest Drive. He also explained that he cannot do this because he is at the maximum on the impervious coverage on his lot under the Residential (R) requirements. He added that five of the existing properties are already commercial in nature. Mr. Miller explained the process that he went through in 2008 and the reason that the change was never made because the Township was going to wait because the Comprehensive Plan was going to be updated. He added that the money for the Comprehensive Plan update was then pulled from the budget and his process went no further. Mr. Thomas stated that Mr. Miller made this request before and it was determined to be "spot zoning" and it seems that Mr. Miller is attempting to alleviate that concern by including more properties. He added that the question is if the Supervisors are willing to take this request to a hearing and Mr. Miller needs to write another letter of request for a zoning map change and pay the \$750.00 fee for the public hearing.

Mr. Ken Kuntz, 956 Fairfield Road, stated that he supported Mr. Miller's request and added that he would like to start a Bed and Breakfast on his property.

Mr. Gary Brown, 1020 Fairfield Road, also stated that he supports Mr. Miller's request. He asked the Board to consider the will of the residents and think about what they would zone the area now if they were starting with a clean slate.

Speros Marinos, 912 Baltimore Pike, asked that the zoning along 900-912 Baltimore Pike match the zoning north of the property (in Gettysburg Borough) that is Commercial Visitor's Services or something similar to that.

Elizabeth Magner, 470 Belmont Road, stated that when she calls the Police Department the phone just rings and rings and that is being addressed. She also asked if the Board got a copy of the resident's latest letter regarding their concerns about the Keller Poultry Barns and they have. Lastly, she asked if the Board could take action on the Keller Plan on Tuesday night and it was verified that the citizens' were promised a time to comment before action is taken on the plan.

Manager:

Mr. Thomas reported that the Township received one bid for the Driving Surface Aggregate for the Sents Road project from Valley Quarries and the Board will be asked to take action on that bid on Tuesday night. He added that the road crew is doing prep work on the road.

Mr. Thomas also reported that the Board will be asked to acknowledge and approve the various fund raising events for Barlow Fire Company for 2013 for worker's compensation insurance purposes.

Mr. Thomas acknowledged that the Township has received the permit for the "Flashing Warning Device" for the National Park Service Trail situated on Taneytown Road.

Mr. Thomas reported that the Board will be asked to acknowledge and authorize the Township's participation in a RecTAP grant funding for planning of the proposed Willoughby Run Park valued at \$2,500.00. He added that KPI will be doing the plan.

Mr. Thomas also reported that he is asking the Board to take action on a request from the Blue Gray Soccer Special Events Permits application waiving the \$5 million insurance requirement and accepting a \$2 million insurance policy. Mr. Thomas recommended that the waiver be subject to them paying all past fees that are due to the Township. Solicitor Wisner confirmed that the applicant's attorney is aware of the situation with the fees.

Mr. Waybright made a motion to waive the \$5 million insurance required by the Special Events Ordinance and accept the \$2 million policy included in the permit application from Blue Gray Soccer contingent upon the applicant paying all fees to the Township, current and past due.

Mr. Thomas stated that the Board will be asked to approve a Comprehensive Planning Committee and he is recommending that this committee be made up of two Supervisors, one member from Planning Commission and Cumberland Township Authority, Zoning Hearing Board and one or two citizens.

Mr. Thomas asked the Board members to check their calendars for a Conditional Use hearing date for an application from Harvest Investment Group located at the corner of Boyd's School Road and Table Rock Roads and that does need to be acted on at this time. He added that we also have hearings for the proposed text changes and the proposed zoning map changes. Mr. Ferranto suggested that all of the hearings be held prior to the regular meeting on June 25, 2013 at 6:00 p.m. **Mr. Toddes made a motion to schedule the Harvest Investment Group Conditional Use hearing (Senior/Assisted Living Facility) and the proposed text change hearing for June 25, 2013 at 6:00 p.m. and confirm the proposed zoning map changes hearing for June 25, 2013 at 6:30 p.m.**

Mr. Thomas reported that he hopes to have a quote from COMCAST Tuesday evening for replacement of the existing land line telephone system for all departments.

Mr. Thomas reported that the Watershed Alliance of Adams County will be having their annual clean-up of Marsh Creek on Saturday, June 15, 2013 and the Township and Authority will be allowing them to utilize their dumpsters.

Mr. Thomas reported that he will be updating the Board on his recent activities at the PSATS Educational Conference on Tuesday night.

Mr. Thomas also reported that the two residents that submitted letters of interest to serve on the Planning Commission have been invited to attend Tuesday night's meeting for interviews.

Mr. Thomas reported that the Township received a letter from Tom Clowney requesting Cumberland Township historic signs at various locations in the Township.

Solicitor:

Solicitor Wisner reported that his office has represented Rupa Engineer in the past and the Township would have to waive any potential or perceived conflict, or appearance thereof, in Salzmann Hughes representation of Cumberland Township, in the matter of the Rupa Engineer/Lincoln Estates/Zoning Map Change, if they so desire. Solicitor Wisner confirmed that it was another attorney in his firm that represented Rupa Engineer. **Mr. Waybright made a motion to authorize our Solicitor to participate in the Zoning Map Change from Rupa Engineer seconded by Mr. Toddes and carried.**

Committee Reports: Time did not allow for any committee reports to be given and they will be given at Tuesday night's meeting.

There being no further business, the meeting was adjourned at 9:30 a.m.

Carol A. Merryman, Asst. Secretary

_____)
_____)
_____) Supervisors
_____)
_____)